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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/904,409

Applicant(s)

SCHRADER ET AL.

Examiner

Scott Beliveau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 8, 9, 11, 14-17, 20, 22, 30-40 and 42-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 9, 11, 14-17, 20, 22, 30-40 and 42-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Priority

1. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e). The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 60/273,139, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. In particular, the limitations corresponding to the particular addition or usage of priority levels wherein information is distributed in accordance with the order of priority is not disclosed in the earlier filing. Accordingly, the application is being examined based upon its filing date of 12 July 2001.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 15, 16, 30, and 40 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-3, 8, 9, 11, 14, and 33-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites that the “first, second, and third priority levels are assigned based on a determination of whether the indicator correspond to real time data, television program data, and Internet protocol data, respectfully”. Applicants note that support for the claim amendments may be found at least at page 43, lines 1-6, and page 46, line 18 – page 47, line 2. The noted sections merely relate to providing an alert based upon an event of interest about to occur as oppose to assigning priority based upon the ‘type’ of data traffic. Accordingly, the specification does not appear to reasonably convey to those skilled in the art that that applicant had possession of the claimed invention at the time the application was filed.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
7. Claims 15-17, 20, 22, 40, and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US Pat No. 6,536,041), in view of Wynblatt et al. (US Pat No. 6,546,421), and in further view of Rasson et al. (US Pat No. 6,137,549).

Claim 15 is rejected wherein the Knudson et al. reference discloses a “method for creating a data stream associated with televised sporting events”. Knudson et al. discloses “generating first event-based content associated with a first one of a plurality of televised sporting events, the first event-based content occurring in real-time, wherein the first event-based content comprises an alert” such as a scoring and status information (Col 10, Lines 46-54; Col 11, Lines 44-53) and “generating second event-based content associated with a second one of a plurality of televised sporting events, the second event-based content including daily changing information” such as information corresponding to the team itself (Col 17, Lines 26-32; Col 18, Lines 20-23) both the “first” and “second event-based content” are associated with a respective “first” and “second event identifier” serving to identify the particular type of content/data (Knudson et al.: Figures 20 and 22). As

illustrated, the expiration time of the data is ‘based on the content of the first and second event-based content’. The reference is unclear with respect to the ‘first event based content’ being an “alert that an event indicated as being of interest to a viewer is about to occur in the first one of the plurality of televised sporting events” and the reference is silent with respect to the particular packetization and assignment of prioritization information in association with the distribution of the associated content.

Knudson et al. teaches that the user can establish preferences or indicate interest with respect to the types of information that they would be alerted about (Figure 16; Col 16, Lines 18-44). The reference, however, is silent with respect to specifying a particular ‘event’. In an analogous art pertaining to the field of interactive video distribution, the Wynblatt et al. reference teaches a technique for recognizing that an “event indicated as being of interest to a viewer is about to occur in the first one of [a] plurality of televised sporting events” (Col 5, Lines 21-65; Col 6, Line 33-6). For example, the system may provide an indication based an event such as a particular batter being at bat or potential lead change. Accordingly, it would have been obvious to one having ordinary skill in the art to modify Knudson to provide an “alert that an event indicated as being of interest to a viewer is about to occur in the first one of the plurality of televised sporting events” for the purpose of enabling the viewer to be made aware of content/events in accordance with what they feel is the most exciting portions of a given game.

In an analogous art pertaining to the field of interactive video distribution, the Rasson et al. reference discloses a system and method for the prioritized delivery of data based at least upon the expiration time of the content of the data. In particular, the reference teaches

“creating data packets” [78], “assigning . . . priorities . . . wherein the . . . priority [is] assigned based on the content of the . . . content” or factors including the expiration time / timeliness of particular content of the data (Col 6, Line 64 – Col 7, Line 14), “determining whether the first priority is greater than the second priority”, “inserting the . . . data packets into the data stream” in order of priority and “sending the data stream to a client system” (Col 8, Lines 8-42). The claimed priority labels used to designate these differing levels of priority (ex. “High”, “Fast”, “Normal”, and “Low”) merely appear to be logical designations representative of the particular order of priority for data distribution (there is no real-time priority level as opposed to “High” described in the specification). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Knudson et al. using the teachings of Rasson et al. so as to “assign a first priority to said first event-based content”, “create a first data packet including the first event-based content and the first event identifier”, “assign a second priority to the second event-based content, the second priority being different from the first priority, wherein the first and second priority are assigned based on the content of the first and second event-based content”, “create a second data packet including the second event-based content and the second event identifier”, “determine whether the first priority is greater than the second priority”, “insert the first data packet and the second data packet into the data stream when the first priority is greater than the second priority; and sending the data stream to a client system” in light of the teachings of Rasson et al. for the purpose of providing an efficient/improved arrangement for the delivery of program guide data to set-top terminals (Rasson et al.: Col 1, Lines 38-63).

Claim 16 is rejected in light of the aforementioned combination of references which taken in combination discloses a “television broadcast service providing dynamic information associated with a plurality of broadcast television programs concerning sporting events”. As illustrated in Figure 1, Knudson et al. illustrates a “broadcast center” [40] for “collecting a multiplicity of live data feeds associated with the sporting events” (Col 5, Line 53 – Col 6, Line 9), an “event producer” [22], and a “content aggregator cascaded with the event producer” [22] for “aggregating the output data feeds from the event producer, generating a stream of broadcast content based on the aggregated data feeds, and sending the stream of broadcast content based on the aggregated data feeds to a client system” [48] (Figure 11; Col 6, Lines 26-43).

Knudson discloses the particular existence of a plurality of data feeds each of which is associated with differing expiration times (Col 17, Lines 26-45). For example, the Figure 20 illustrates a “first data feed comprising at least one alert notification associated with a broadcast sporting event” corresponding to scoring and status information, and a “second data feed” corresponding to league scores or game recap information which has a longer expiration time than the ‘first data feed’ associated with scoring and status information, a “third data feed” corresponding to team notes which has a longer expiration time than the ‘second data feed’ or league scores, and a “fourth data feed” corresponding to league schedule information which has an expiration time than that associated with the ‘third data feed’ or team notes. As shown, all of these ‘data feeds’ have an expiration ‘based on the content of the respective data feed’. The reference is unclear with respect to the “alert notification” of the ‘first data feed’ being associated with “an event indicated as being of

interest to a viewer is about to occur”. The reference also is silent with respect to the prioritization, sorting, and subsequently outputting the sorted feeds.

Knudson et al. teaches that the user can establish preferences or indicate interest with respect to the types of information that they would be alerted about (Figure 16; Col 16, Lines 18-44). The reference, however, is silent with respect to specifying a particular ‘event’. In an analogous art pertaining to the field of interactive video distribution, the Wynblatt et al. reference teaches a technique for recognizing that an “event indicated as being of interest to a viewer is about to occur in [a] broadcast sporting event” (Col 5, Lines 21-65; Col 6, Line 33-6). Accordingly, it would have been obvious to one having ordinary skill in the art to modify Knudson such that the “broadcast content of the first data feed comprises at least one alert that an event indicated as being of interest to a viewer is about to occur in the broadcast sporting events” for the purpose of enabling the viewer to be made aware of content/events in accordance with what they feel is the most exciting portions of a given game.

In an analogous art pertaining to the field of interactive video distribution, the Rasson et al. reference discloses techniques for the prioritization of distribution of data associated with programming guides. In particular, the reference discloses “assigning each of the data feeds one of a set of priority attributes . . . wherein the priority levels are based on the content of the respective data feeds” (ex. higher priority or lower priority depending on the timeliness of the data) (Col 6, Line 64 – Col 7, Line 14), “formatting the data . . . for a one-way broadcast transmission” of the data to the local distribution node (Col 7, Line 66 – Col 8, Line 7), “sorting the data . . . according to their assigned priority attributes, and outputting the sorted data” (Figures 3 and 5; Col 6, Lines 1-40; Col 8, Lines 8-42). Accordingly, it would have

been obvious to one having ordinary skill in the art at the time the invention was made to modify the Knudson et al. “event producer” [22] so as to “assign each of the data feeds one of a set of priority attributes, a first data feed having a priority level of a real-time level, a second data feed having a priority level of a fast level which is less than the real-time level, a third data feeds having a priority level of a normal level which is less than the fast level, and a fourth data feed having a priority level of a low level which is less than the normal level, wherein the priority levels are based on the content of the respective data feeds, [to] format the data feeds for a one-way broadcast transmission, [to] sort the data feeds according to their assigned priority attributes, and [to] output the sorted data feeds” for the purpose of providing an efficient/improved arrangement for the delivery of program guide data to set-top terminals (Rasson et al.: Col 1, Lines 38-63).

Claim 17 is rejected wherein the “broadcast content of the first data feed comprises real-time event notifications associated with the plurality of broadcast sporting events” such as those corresponding to scoring (Knudson et al.: Col 17, Line 64 – Col 18, Line 30).

Claim 20 is rejected wherein the “alert notifications are capable of invoking an action when delivered to the client system” such as the user deciding to tuning to watch the particular remainder of the program (Knudson et al.: Col 10, Line 62 – Col 11, Line 4; Col 14, Lines 14-27).

Claim 22 is rejected wherein the “event producer is capable of generating event log indices for at least one of the plurality of television programs, encapsulating the event log indices, and inserting the same into the data stream” in association with the particular generation and distribution of game recaps/highlights (Knudson et al.: Col 18, Lines 8-11).

Claim 40 is rejected in light of the aforementioned combination of references which taken in combination discloses a “method for managing bandwidth in a system for displaying enhanced broadcast television content” and were previously discussed in greater detail. As illustrated in Figure 1, Knudson et al. illustrates a distribution facility [26] “receiving a plurality of data feeds” [30], “associating the portions of data feeds having a common event identifier” [176] and “displaying a user interface for an event associated with the common event identifier, the user interface comprising information representing the associated portions of the data feeds for the event” [178] (Figure 10). As previously noted, Knudson teaches a “portion of each data feed having an associated event identifier” (Figures 20 and 22) and “each event identifier” having an associated expiration time (Col 17, Lines 26-45). While the “portion of the data feed associated with the first event identifier indicates an alert” regarding scoring or status information (Col 10, Lines 46-54; Col 11, Lines 44-53), the reference is unclear with respect to the “alert notification” of the ‘first data feed’ being associated with “an event indicated as being of interest to a viewer is about to occur”. The reference is also silent with respect to the prioritization of these ‘received feeds’.

In an analogous art pertaining to the field of interactive video distribution, the Wynblatt et al. reference teaches a technique for recognizing that an “event indicated as being of interest to a viewer is about to occur in [a] broadcast television content” (Col 5, Lines 21-65; Col 6, Line 33-6). Accordingly, it would have been obvious to one having ordinary skill in the art to modify Knudson such that the “portion of the data feed associated with the first event identifier indicates an alert that an event indicated as being of interest to a viewer is about to occur in a broadcast television content of the first data feed” for the purpose of

enabling the viewer to be made aware of content/events in accordance with what they feel is the most exciting portions of a given game.

In an analogous art pertaining to the field of interactive video distribution, the Rasson et al. reference discloses techniques for the prioritization of distribution of data associated with programming guides. In particular, the reference discloses “assigning priority levels” (ex. logically designated higher priority or lower priority) based upon the content data (ex. data needed sooner or later based upon expiration) (Col 6, Line 64 – Col 7, Line 14) in order to “enable the associated portion of the data feed to be received” at the corresponding priority (Figures 3 and 5; Col 6, Lines 1-40; Col 7, Line 66 – Col 8, Line 42). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Knudson et al. to “receive a plurality of data feeds in accordance with an associated priority level, a portion of each data feed having an associated event identifier, and each event identifier having an associated priority level wherein a first event identifier of a first data feed is assigned a real-time priority level based on a first content of the first data feed to enable the associated portion of the data feed to be received at a highest priority, and a second event identifier of a second data feed is assigned a priority level based on a second content of a second data feed, the second priority level being selected from a group consisting of: a fast priority level, a normal priority level, and a low priority level, where a portion of a data feed assigned a fast priority level is given more precedence in delivery than portions of data feeds assigned the normal priority level, where a portion of a data feed assigned a normal priority level is given more precedence in delivery than portions of data feeds assigned the low priority level” for the purpose of providing an efficient/improved

arrangement for the delivery of program guide data to set-top terminals (Rasson et al.: Col 1, Lines 38-63).

Claim 42 is rejected wherein the “second priority level is a fast priority level, and the portion of the data feed associated with the second event identifier indicates a score of a television program” (Knudson et al.: Col 18, Lines 10-11).

Claim 43 is rejected wherein the “second priority level is a normal priority level, and the portion of the data feed associated with the second event indicates a news article” associated with the team (Knudson et al.: Col 18, Lines 20-24).

Claim 44 is rejected wherein the “second priority level is a low priority level, and the portion of the data feed associated with the second event indicates static information: (Knudson et al.: Col 18, Lines 19-20).

8. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US Pat No. 6,536,041), in view of Ward et al. (WO 00/333576 A1), in view of Wynblatt et al. (US Pat No. 6,546,412), and in further view of Rasson et al. (US Pat No. 6,137,549).

Claim 30 is rejected in light of the combined references which disclose a “method for delivering broadcast television programming related to sporting events and associated enhanced content”. The method comprises “receiving broadcast television programming relating to sporting events” by the set-top terminal (Knudson et al.: Figure 7) and “generating a first dynamic content concerning an occurrence of a first event in the broadcast television programming” such as that content associated with scoring or status information and “generating a second dynamic content concerning another occurrence of a second event in the broadcast television programming” such as that content associated with game

summaries. The method subsequently “assigns a first event identifier to the first dynamic content associating the first dynamic content to a first program in the broadcast television programming to create a tunable alert . . . comprising an alert [for] an event” and “assigns a second event identifier to the second dynamic content associating the second dynamic content to a second program in the broadcast television program” (Knudson et al.: Figure 10; Col 14, Lines 14-27). As illustrated in Figures 7 and 13, the method involves “delivering the tunable alert together with at least a portion of the broadcast television programming to one or more client devices” [48] through the television distribution facility [26] such that the client can subsequently interact with the data so as to view programming as desired.

Knudson teaches that game recap information may include game highlights or any other suitable game summary information (Col 18, Lines 10-11), but is silent with respect to the particular usage of “box scores of a sports game”. In an analogous art related to interactive video distribution, the Ward et al. reference discloses “at least a portion of television program data includes a box score of a game currently in progress” (Figure 6; Page 8, Line 35 – Page 9, Line 3; Page 9, Lines 16-21). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Knudson such that “at least a portion of the television program data includes a box score of a game currently in progress” for the purpose of providing the viewer with robust statistical scoring summary of the game on an inning by inning basis.

Knudson et al. also teaches that the user can establish preferences or indicate interest with respect to the types of information that they would be alerted about (Figure 16; Col 16, Lines 18-44). The reference, however, is silent with respect to specifying a particular ‘event’. In

an analogous art pertaining to the field of interactive video distribution, the Wynblatt et al. reference teaches a technique for recognizing that an “event indicated as being of interest to a viewer is about to occur in [a] broadcast television content” (Col 5, Lines 21-65; Col 6, Line 33-6). Accordingly, it would have been obvious to one having ordinary skill in the art to modify Knudson to create a “tunable alert wherein the tunable alert comprises an alert that an event indicated as being of interest to a viewer is about to occur in the first program” for the purpose of enabling the viewer to be made aware of content/events in accordance with what they feel is the most exciting portions of a given game.

As previously noted, Knudson discloses the particular usage of updating intervals and corresponding expiration times for different types of real-time data or “dynamic content” (Col 17, Lines 26-45), but is silent with respect to the prioritization and subsequent distribution of content based priorities. In an analogous art pertaining to the field of interactive video distribution, the Rasson et al. reference discloses techniques for the prioritization of distribution of data associated with programming guides. In particular, the reference discloses “assigning a real-time priority” or ‘high’ priority level to a first content and “assigning a fast priority to the second event identifier, the fast priority level being lower than the real-time priority lower than the first priority, wherein the real-time priority and the fast priority are assigned based on the content of the first and second dynamic content” based at least upon its expiration time (Col 6, Line 64 – Col 7, Line 14), and subsequently “after delivering . . . [the first data], then delivering the second [data] to the one or more client devices” [44] (Figures 3 and 5; Col 6, Lines 1-40; Col 8, Lines 8-42). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made

so as to modify the distribution techniques of Knudson et al. so as to further “assign a real-time priority level to the tunable alert; assign a fast priority to the second event identifier, the fast priority level being lower than the real-time priority, wherein the real-time priority and the fast priority are assigned based on the content of the first and second dynamic content; and . . . after delivering the tunable alert, then delivering the second event identifier to the one or more client devices” for the purpose of providing an efficient/improved arrangement for the delivery of program guide data to set-top terminals (Rasson et al.: Col 1, Lines 38-63).

Claim 31 is rejected wherein the method further “creates a listing of a plurality of sporting events” such as programming guide data [24] (Knudson et al.: Figure 1), “assigns a normal identifier to at least respective ones of the sporting events to create an enhanced sports television schedule” wherein the “normal event identifier” may correspond to other types of sporting related dynamic content including team news and notes and “delivers the enhanced sports television schedule to the one or more client devices” [48] whereupon the subscriber can subsequently access the information (Knudson et al.: Figure 23).

Claim 32 is rejected wherein the method further “periodically updating the enhanced sports television schedule; and delivering an updated enhanced sports schedule to the one or more client devices” (Knudson et al.: Figure 12).

9. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US Pat No. 6,536,041), in view of Wynblatt et al. (US Pat No. 6,546,412), in view of Rasson et al. (US Pat No. 6,137,549), and in further view of Ward et al. (WO 00/333576 A1).

Regarding claim 37, the Knudson reference is unclear with respect to the “second data feed comprising box scores of a sport game currently in progress”. In an analogous art related to interactive video distribution, the Ward et al. reference discloses “at least a portion of television program data includes a box score of a game currently in progress” (Figure 6; Page 8, Line 35 – Page 9, Line 3; Page 9, Lines 16-21). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Knudson such that “at least a portion of the television program data includes a box score of a game currently in progress” for the purpose of providing the viewer with robust statistical scoring summary of the game on an inning by inning basis.

10. Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US Pat No. 6,536,041), in view of Wynblatt et al. (US Pat No. 6,546,412), in view of Rasson et al. (US Pat No. 6,137,549), in view of Ward et al. (WO 00/333576 A1), and in further view of Marshall et al. (US Pub No. 2002/0010697).

Regarding claims 38 and 39, as previously, the “third data feed comprising daily information” such as that corresponding to team notes/news and the “fourth data feed comprises substantially static information” associated with team schedules. While Knudson suggests that a variety of real-time data sources [30] can be utilized through their interconnection via a variety of links [28] (Col 5, Line 39 – Col 6, Line 9), the reference is silent with respect to the data being derived from “Internet Protocol data”. The analogous Marshall et al. reference discloses the particular existence of “Internet Protocol data” in order to provide both team notes/news and schedule information (Figure 1; Para. [0026]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time

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the invention was made to particularly employ the teachings of Marshall et al. such that the respective “third” and “fourth data feeds [are] from Internet Protocol Data feed[s]” for the purpose of providing a consolidated network for providing comprehensive coverage of different sporting information that further provides for automatic data distribution to broadcasters (Marshall et al.: Para. [0008] – [0009]).

11. Claims 1-3, 8, 9, 11, 14, 33, 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US Pat No. 6,536,041), in view of Marshall et al. (US Pub No. 2002/0010697), in view of Wynblatt et al. (US Pat No. 6,546,412), in view of Rasson et al. (US Pat No. 6,137,549), and in further view of Gotwald (US Pat No. 5,987,518).

Claim 1 is rejected wherein Knudson et al. illustrates a “method for delivering enhanced broadcast television content”. As illustrated in Figure 1, Knudson et al. illustrates “receiving” [40] a “plurality of data feeds over a first broadcast channel” [46] (Col 6, Lines 6-9) wherein the “data feeds include television program data” and other information as derived from real-time data sources [30].

Knudson et al. suggests the usage of one or more real-time data sources (Col 2, Lines 27-30), however, it is silent with respect to the “data feeds including . . . Internet Protocol data”. In an analogous art pertaining to interactive video distribution, the Marshall et al. reference discloses providing a “data feed . . . including Internet Protocol data” (Para. [0009]). Accordingly, it would have been obvious to one having ordinary skill in the art to modify the real-time data sources [30] to include the “Internet Protocol data” of Marshall in order to provide a network for comprehensive coverage of amateur / local competitive sports (Marshall et al.: Para. [0008] – [0009]).

Taken in combination, Knudson, as previously set forth, teaches “creating a first indicator associated with an event [wherein said event indicates a real-time event occurring in a televised sporting event] that occurs in at least one of a plurality of television programs”, “creating a second indicator associated with at least a portion of the television program data”, “creating a third indicator associated with at least a portion of the Internet Protocol data”, “assigning an identifier to at least one of said plurality of television programs”, “associating the identifier with the at least a portion of the television data to associate the portion of the television data with the at least one television program”, “associating the identifier with the at least a portion of the Internet Protocol data to associate the at least a portion of the Internet Protocol data with the at least one television program”, and subsequently “delivering the plurality of television programs [and associated event information] over a third broadcast channel” [50] (Knudson et al.: Figures 9 and 10).

Knudson et al. teaches that the user can establish preferences or indicate interest with respect to the types of information that they would be alerted about (Figure 16; Col 16, Lines 18-44). The reference, however, is silent with respect to specifying a particular ‘event’. In an analogous art pertaining to the field of interactive video distribution, the Wynblatt et al. reference teaches a technique for recognizing that an “event indicated as being of interest to a viewer is about to occur in [a] televised sporting event” (Col 5, Lines 21-65; Col 6, Line 33-6). Accordingly, it would have been obvious to one having ordinary skill in the art to modify Knudson such that the “first indicator corresponds to a delivery of an alert that an event indicated as being of interest to a viewer is about to occur in the televised sporting event” for

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the purpose of enabling the viewer to be made aware of content/events in accordance with what they feel is the most exciting portions of a given game.

Knudson discloses the particular usage of updating intervals and corresponding expiration times for different types of real-time data (Col 17, Lines 26-45), but is silent with respect to the prioritization and subsequent distribution of content based priorities. In an analogous art pertaining to the field of interactive video distribution, the Rasson et al. reference discloses a system and method for the prioritized delivery of data based at least upon the expiration time of the content of the data. In particular, the reference teaches “assigning . . . priorities” or factors based on the expiration time / timeliness of particular content of the data (Col 6, Line 64 – Col 7, Line 14), and “delivering . . . [information] to at least one client system . . . based on the [respective first, second, or third] priority level” (Col 8, Lines 8-42). Subsequently, “each of the first, second, and third priority levels corresponds to a respectively to a time at which the associated first, second, or third indicator is to be transmitted to said at least one client system” (ie. the first is sent at a first time, the second is sent at a second time after the first, etc.)(Col 8, Lines 23-42). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined references using the teachings of Rasson et al. so as to “assign a first priority to said first indicator”, “assign a second priority level different from the first priority level, to the second indicator”, “assign a third priority level, different from the first and second priority levels, to the third indicator. . . deliver the first indicator and associated identifier to at least one client system in real-time based on the first assigned priority level; deliver the second indicator and associated identifier to the at least one client system in a fast

mode based on the second assigned priority level; and deliver the third indicator and associated identifier to the at least one client system in a normal mode based on the third assigned priority level” for the purpose of providing an efficient/improved arrangement for the delivery of program guide data to set-top terminals (Rasson et al.: Col 1, Lines 38-63).

The combination of references includes ‘real time data’ (ex. scoring and status information), ‘television program data’ (ex. league scores), and ‘Internet Protocol data’ (ex. schedule information and team notes/news). Rasson et al. comprises a ‘base’ video distribution network whereby its prioritization can be based on a number of exemplary factors. It is silent regarding the priority levels being “assigned based on a determination of whether the indicators correspond to real time data, television program data, and Internet Protocol data, respectively”. In an analogous art pertaining to interactive television, the Gotwald reference teaches a method for ‘assigning priority’ that is applicable to video distribution networks based on the particular data and connection type (ex. Internet, MPEG2, Ethernet) (Col 3, Lines 66 – Col 4, Line 7; Col 4, Line 55-22). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Rasson et al. prioritization scheme to utilize ‘data type’ as a prioritization factor such that the “first, second and third priority levels are assigned based on a determination of whether the indicators correspond to real time data, television program data, and Internet Protocol data” since one of ordinary skill in the art would have recognized that applying the known technique would have yielded the predictable result of providing low cost Internet access to video subscribers (Gotwald: Col 1, Lines 59-65).

Claim 2 is rejected wherein “delivering the first indicator and associated identifier includes transmitting to the at least one client system the first indicator and associated identifier over a second broadcast channel” [28] (Knudson et al.: Figure 1; Col 5, Lines 41-48).

Claim 3 is rejected wherein “delivering said third indicator and associated identifier includes transmitting to the at least one client system the third indicator and associated identifier in a trickle stream of the third broadcast channel” namely interleaved in-band with the television programming (Col 6, Lines 37-43).

Claim 4 is rejected wherein “each of the first, second, and third priority levels corresponds respectively to a time at which the associated first, second, or third indicator is to be transmitted to said at least one client system” (Rasson et al.: Col 8, Lines 23-42).

Claims 8 and 9 are rejected wherein the “first indicator corresponds to a delivery of an alert that an event is about to occur in the televised sporting event” wherein “said alert is a tunable alert” and “said alert is capable of invoking an action when delivered to the at least one client system”. For example, as illustrated in Figure 7, the user is alerted that the 2nd quarter of the Bulls / Celtics game is nearing its end and that they can tune to watch the game.

Claim 11 is rejected wherein the “first and second indicator correspond to sports television programming currently in progress” (Knudson et al.: Col 18, Lines 12-18).

Claim 14 is rejected wherein “said identifier is a unique event identifier associated with a television news item” (Knudson et al.: Col 5, Lines 53-56).

Claim 33 is rejected in light of the combined references. As illustrated in Figure 20, Knudson et al. further provides the distribution of substantially static information such as 'schedule information' that is updated infrequently. Figure 10 illustrates 'creating a fourth indicator' associated with the particular 'schedule information' and "delivering the fourth indicator . . . to at least one client system". Marshall teaches that 'at least another portion of the Internet Protocol data' may comprise 'schedule information' (Para. [0037]). Rasson teaches the particular "assigning a fourth priority level, different from the first, second, and third priority levels, to the fourth indicator and delivering the fourth indicator and associated identifier to the at least one client system in a low mode based on the fourth assigned priority level" (Figures 3 and 5; Col 6, Lines 1-40; Col 8, Lines 8-42). Accordingly, taken in combination, the reference teach "creating a fourth indicator associated with at least another portion of the Internet Protocol data associating the identifier with the at least another portion of the Internet protocol data, assigning a fourth priority level, different from the first, second, and third priority levels, to the fourth indicator, and delivering the fourth indicator and associated identifier to the at least one client system in a low mode based on the fourth assigned priority level" in association with the creation and delivery of schedule information.

Claims 34 and 36 are rejected wherein the Marshall et al. reference discloses the particular existence of "Internet Protocol data" in order to provide both "substantially static information" and "daily information" in the form of schedule information and team notes/news respectively (Figure 1; Para. [0026]).

12. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US Pat No. 6,536,041), in view of Marshall et al. (US Pub No. 2002/0010697), in view of

Wynblatt et al. (US Pat No. 6,546,412), in view of Rasson et al. (US Pat No. 6,137,549), and in view of Gotwald (US Pat No. 5,987,518) and in further view of Ward et al. (WO 00/333576 A1).

In consideration of claim 35, Knudson teaches that “at least a portion of the television program data includes a . . . score of a game currently in progress” (Col 14, Lines 1-27; Col 18, Lines 11-14). It is unclear if the particularly displayed representation is a ‘box score’ per se. In an analogous art related to interactive video distribution, the Ward et al. reference discloses “at least a portion of television program data includes a box score of a game currently in progress” (Figure 6; Page 8, Line 35 – Page 9, Line 3; Page 9, Lines 16-21). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Knudson such that “at least a portion of the television program data includes a box score of a game currently in progress” for the purpose of providing the viewer with robust statistical scoring summary of the game on an inning by inning basis.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Art Unit 2623

SEB
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